

REMARKS:

Claims 1-20 are pending.

In the International Search Report, the Authorized Officer cited U.S. Patent No. 4,765,325 (the Crutchfield patent) as the only reference of any relevance to the claims of the present case. In particular, the Authorized Officer found that claims 1, 2 and 17-20 could not be considered to be novel or to involve an inventive step in view of the Crutchfield patent.

In response, the applicant has clarified the invention through the amendment of claims 1 and 17. More specifically, claims 1 and 17 have been augmented with subject matter found in claim 4, which now has been cancelled.

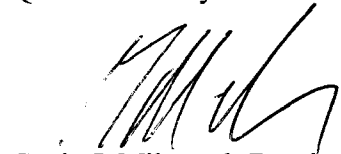
As determined by the Authorized Officer in the International Application, claim 4 was found to meet the criteria set out in PCT Article 33(2)-(3) because the cited art does not teach or fairly suggest the limitations set forth therein. In particular, the Crutchfield patent does not teach or fairly suggest the limitation “activation of a switch closes a breathing port of said respirator and a controlled negative pressure testing protocol initiates when intra-respirator pressure substantially equals ambient pressure” in combination with the remaining elements of claims 1. In addition, the apparatus claim 17 has been revised to include limitations that substantially track the language of former claim 4 (i.e., “a switch operably connected to a means for closing a breathing port” and “wherein activation of the switch closes said breathing port of said respirator and initiates a controlled negative pressure testing protocol when intra-respirator pressure substantially equals ambient pressure”).

Thus, in view of the foregoing, the applicant respectfully submits that the claims of the present invention are distinguishable from the cited art, and, thus, present patentable subject matter.

No fee is believed to be due with this amendment. Please charge any unforeseen costs to our Deposit Account No. 17-0055.

Respectfully submitted,

Quarles & Brady Streich Lang, LLP

A handwritten signature in black ink, appearing to read 'G. Milczarek-Desai', is written over the printed name.

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